

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BARBARA R. KAPLAN,

Plaintiff,

v.

DAVIDSON & GRANNUM, LLP,
SANDRA D. GRANNUM & DAVID L.
BECKER

Defendants.

Case No. 07C 6668

JUDGE MAROVICH

MAGISTRATE JUDGE SCHENKIER

**DEFENDANTS' MOTION TO TRANSFER OR, IN THE ALTERNATIVE, MOTION
FOR LEAVE TO FILE ANSWER *INSTANTER***

Defendants Davidson & Grannum, LLP, Sandra D. Grannum and David L. Becker hereby move this Court to issue an ORDER transferring venue of this matter to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 1404 (a).

28 U.S.C. § 1404 (a) permits transfer "for the convenience of parties and witnesses, in the interest of justice," to any district where an action "might have been brought." Because the events giving rise to suit occurred in New York and because the parties are of diverse citizenship, Plaintiff could have brought this action in the United States District Court for the Southern District of New York but chose not to do so.

It is clear that the convenience of parties and witnesses and the interests of justice dictate transferring this matter to a more appropriate forum, and as such, transfer is appropriate at the outset of this case.

In the alternative and pursuant to the procedure followed in *Campbell Software v. Kronos Inc.*, 1996 U.S. Dist. LEXIS 3262 (N.D. Ill. 1996) (Motion to transfer filed in conjunction with motion for leave to file answer *instanter* in the alternative), Defendants' move this Court for

leave to file an Answer *instantly* to Plaintiff's Complaint. Defendants' proposed Answer is attached as Exhibit A to this Motion.

A Brief in Support of this Motion has been separately-filed with this Court.

Respectfully submitted,

**DAVIDSON & GRANNUM, LLP;
SANDRA D. GRANNUM AND
DAVID L. BECKER**

By: /s/ Geoffrey A. Belzer

One of their attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that a true and correct copy of the above and foregoing pleading was filed electronically on this 16th day of July, 2008 and a copy of same was served upon:

Attorney for Plaintiff
Gregg M. Rzepczynski
Gregg M. Rzepczynski & Associates Ltd.
175 West Jackson Boulevard
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by: ☐ hand-delivery; ☐ facsimile; ☐ overnight mail, next day delivery; and/or ☒ depositing same in the US Mail at or before the hour of 5:00 p.m. this 16th day of July, 2008.

/s/ Geoffrey A. Belzer
Daniel E. Tranen
Geoffrey A. Belzer